

Application No. 10/505,192
Amendment dated April 13, 2006
Reply to Office Action of January 13, 2006

Docket No.: 209546-84271

REMARKS

Claims 7-12 and 17 are pending in this application. By this amendment, claims 7-12 are amended and claim 17 has been added; claims 13-16 were previously withdrawn from consideration. Favorable reconsideration is respectfully requested in light of the foregoing amendments and the following remarks.

35 U.S.C. § 112

The Office Action rejected claims 7-12 under 35 U.S.C. § 112, second paragraph, as being indefinite.

Specifically, claim 7 was rejected based upon the following claim language: "projections form an I-beam structure." The Action regards an I-beam as "an iron or steel beam that is I-shaped in cross section." While Applicant respectfully submits that the specification defined the previously claimed I-beam structure as being made of a fibrous or porous batt material, Applicant appreciates the Examiner's desire for clarity. Claim 7 has been amended to remove any doubt relating to such language. Applicant respectfully submits that this rejection be withdrawn.

Claim 10 was rejected based upon the following claim language "to have a maximum number per unit area of substrate." Applicant has amended claim 10 to further clarify and define the claimed subject matter and submits that this rejection should also be withdrawn.

35 U.S.C. § 102

The Office Action rejected claims 7 and 12 under 35 U.S.C. §102(b) as being anticipated by Kim et al. (U.S. Patent No. 6,007,898). The claims, as amended, define patentable subject matter over the art of record. Based on Applicant's claim amendments and the following remarks, withdrawal of this rejection is requested.

To anticipate a claim, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference. *See M.P.E.P. § 2131*. Each and every element in claim 7, as currently presented, are not presented in the Kim reference.

Kim discloses a three-dimensionally shaped textile material structurally adapted and arranged for force absorption, disclosing that the textile material has "particular utility as

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cushioning materials,” *Col. 3, ll. 22-23*. In this regard, Kim describes that the projections “may vary to conform to a specific shape, such as the shape of the human foot for use in shoes, and they may vary in rigidity to increase or decrease their weight-bearing capacity.” *Id., at 47-49*. Kim later states that the material may be “used as *cushioning* materials, as impact *absorbing* material, or as semi-rigid *support* materials.” *Col. 5, l. 65 – Col. 6, l. 1*. By these statements and the contextual support therefore, Kim can only be read as disclosing structure that may be semi-rigid to provide support for a force exerted upon, or towards, the structure (as opposed to a force pulling away from the structure) so as to absorb energy and compress the structure. Using Kim’s own example, the material may be used in a shoe. *Col. 3, l. 47*. Thus, it will act as a semi-rigid support for the force that a foot may impart thereon while having appropriate cushioning for comfort. To accomplish this, Kim teaches that “they are springy and resilient which means that they can be compressed (preferably repeatedly) without a significant loss in properties.” *Col. 5, ll. 62-65*. The foregoing compression would repeatedly occur as force is continually exerted upon the Kim structure.

In stark contrast, Applicant’s invention, as claimed, is directed to an interior vehicular trim panel that comprises a headliner (known in the art as being attached to the roof of a vehicle) having structure with “strength to carry modular components often required by them.”

Applicant’s Specification, Page 1. As these remarks lay out, this teaching and structural arrangement is not contemplated within the teachings of Kim; that is, Applicant’s inventive headliner has structure to provide strength sufficient to support a force pulling away from the structure, which could occur from a modular component or the like attached to the vehicular headliner. The “springy and resilience” that Kim describes acts to diminish the strength to carry modular components achieved by Applicant’s invention.

Applicant respectfully submit that one of ordinary skill in the art would not be led by the teachings of Kim to construct a headliner as Applicant has claimed. And one especially would not be led to Applicant’s claimed orientation as a headliner. Specifically, Applicant’s claim recites that a first compressed surface is positioned distally from the vehicle interior, and a second compressed surface is positioned proximate to the vehicle interior and wherein the projections extend towards the interior of the vehicle.

Particularly, as noted above, Kim’s first surface is arranged to support a force asserted against the structure, not pulling away from the structure. On its face, therefore, Kim teaches

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away from this application and cannot anticipate headliner orientations such that the projections extend toward the vehicle interior, as each are recited in Applicant's claim 7.

Not only is Kim deficient in failing to disclose, teach or suggest the foregoing, but Kim is also devoid of any disclosure, teaching or suggestion of a headliner comprising the *compressed* substrate, having a first compressed surface and a second compressed surface. Among other features, it is this compression that imparts "strength" to the structure so that it is suitable to "carry modular components often required by headliners." While Kim describes that it's fiber networks are compressible, Kim states they "return to their *original shape* after being compressed." *Kim, Abstract and Col. 2, 50-53*. Thus, Kim, along with the art cited within the record, fails to disclose, teach or suggest a structure having a maintained *compressed* substrate.

By compressing the front and rear sides 11, 13 of the substrate 10, a greater consolidation or higher density of fibers within the substrate 10 is realized. This process results in significantly enhanced strength while minimizing the amount of material used. As a result, a lightweight, but significantly strong interior trim panel can be achieved.

Application, Page 3, First full Paragraph

For at least the foregoing reasons and in view of the amendments to the claims, the 102 rejection should be withdrawn.

35 U.S.C. § 103

The Office Action rejects claims 8-9 and 11 under 35 U.S.C. § 103(a) over Kim et al. (U.S. Patent No. 6,007,898) in view of Kelman et al. (U.S. Patent No. 5,660,908). In light of the amendments to the claims and the following remarks, Applicants respectfully request withdrawal of the rejection.

Dependant claims 8-9 and 11 depend from independent claim 7. For at least the reasons noted above with respect to the rejection of claim 7, and the deficiencies between the art of record and the claims currently recited, the Office Action has failed to establish a *prima facie* case of obviousness with respect to claim 8-9 and 11 and the rejections pertaining thereto should be withdrawn.

First there is no motivation to combine the reference teachings. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art suggests the desirability of the combination. *See M.P.E.P., §2143.01, Part*

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III. As the foregoing remarks present, nowhere does either reference disclose, teach or suggest that a headliner could be comprised of material that defines a *compressed* substrate having a plurality of impressions formed therein. In the background of Applicant's disclosure, Applicant describes that PET is the current standard for automotive trim panels. However, current headliners comprised of 100% PET typically lack sufficient durability and strength to support and carry required modular components. Applicant's claimed invention has defined an inventive structure sufficient to carry such modular components using the PET, which was once ineffective, by compressing the substrate and forming the impressions therein. Combining the cited references to achieve Applicant's inventive concept constitutes impermissible hindsight.

Also, conventional headliners, such as those disclosed in Kelman, have typically employed substrates capped by both top and bottom layers. Applicant's invention distinguishes itself from such conventional headliners by, among other things, introducing a novel structure that allows one to dispense with a need of one of the foregoing capping layers. Specifically, Applicant has claimed a layer of material on only one side of the compressed substrate. Dependant claim 17 reinforces the foregoing concept by introducing a trim stock that is directly bonded to a surface of the substrate; whereas, in conventional configurations, the capping layer was used to impart strength to the headliner and trim stock was typically bonded to the capping layer. One of ordinary skill in the art, therefore, would not be led in the direction of Kelman to supplement the teachings of Kim (which does not even describe application as a headliner); such a combination would constitute impermissible hindsight.

The dependant claims impart additionally patentable subject matter. For example, none of the cited references disclose, teach, or suggest a headliner wherein said impressions and corresponding projections are arranged in a substantially linear pattern of at least three rows with said projections on a first row offset from said projections on an adjacent row, as recited in claim 10. For at least these reasons, the dependant claims should be independently patentable.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of the application is earnestly solicited.

Applicant believes no fee is due with this response. However, if a fee is due, please

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charge our Deposit Account No. 50-3145, under Order No. 209546-84271 from which the undersigned is authorized to draw.

Dated: 4-13-06

Respectfully submitted,

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